RECOMMENDING COMMITTEE AGENDA RECOMMENDING COMMITTEE MEETING OF: JULY 1, 2002

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEMBERS WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, PLANNING & DEVELOPMENT DIRECTOR ROBERT S. GENZER, CITY CLERK BARBARA JO (RONI) RONEMUS, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations: Las Vegas Library, 833 Las Vegas Boulevard North Senior Citizens Center, 450 E. Bonanza Road Clark County Government Center, 500 S. Grand Central Pkwy Court Clerk's Bulletin Board, City Hall City Hall Plaza, Posting Board

(4:00)

AGENDA SUMMARY PAGE RECOMMENDING COMMITTEE MEETING OF: JULY 1, 2002

DEPARTMENT: CITY ATTORNEY DIRECTOR: BRADFORD R. JERE	BIC CONSENT X DISCUSSION		
SUBJECT:			
NEW BILLS:			
Bill No. 2002-73 – Requires all persons performing massage therapy or reflexology for consideration to be licensed and eliminates the separate licensing category for acupressure.			
Proposed by: Mark Vincent, Director of			
Fiscal Impact			
X No Impact	Amount:		
Budget Funds Available	Dept./Division:		
Augmentation Required	Funding Source:		

PURPOSE/BACKGROUND:

This bill requires that all persons performing massage therapy for consideration or reflexology for consideration have privileged business licenses, including employees of and those persons under contract with massage or reflexology business establishments. Acupressurists will be considered massage therapists for business licensing purposes. The current work card requirements for massage therapists and reflexologists are repealed by the terms of this bill.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-73

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-73 be forwarded to the Full Council with a "Do Pass" recommendation as a Proposed First Amendment. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF JULY 1, 2002 City Attorney Item 1 – Bill No. 2002-73

MINUTES – Continued:

JIM DiFIORE, Manager, Business Services, advised that this Bill is going to provide an updated version of the current massage code and will allow the City to take stricter action on those that violate the provisions within the code. He then enumerated some of the provisions of this Bill: 1) allow the Council to approve massage establishments and be able to deny, revoke, or suspend a license for two convictions of solicitation of prostitution on the premise within a preceding three-year period; 2) allows the director to approve independent massage therapist licenses, including those massage therapists that have been working under a work card provision, for which a new license category will be created; 3) gives the director the authority to deny, revoke, or suspend the license of a person who performs massage within a massage establishment that is convicted for solicitation of prostitution one time within a three-year period; 4) allows for appeals by the therapists to the City Council if their license is denied, revoked, or suspended by the director; 5) establishes a semi-annual fee of \$75; 6) provides exemption for doctors of oriental medicine who practice and are regulated through the State of Nevada; 7) limits the recognized school of massages to Nevada schools and/or their affiliates.

MR. DiFIORE indicated that he met with approximately 50 of the 500 members of the massage industry to review the code changes. The members requested two amendments: 1) that the name of the organization "American Oriental Body Work Therapy Association" be changed to reflect their current name of American Organization for Therapies of Asia, and 2) that massage therapists that are licensed outside of the State of Nevada be required to show current certification as a minimum requirement to be able to obtain a license in Nevada. MR. DiFIORE concurred with the requested amendments of the massage industry.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:00-4:04)

DEPARTMENT: CITY ATTORNEY	,
DIRECTOR: BRADFORD R. JERBIC CONSENT	X DISCUSSION
SUBJECT: NEW BILLS:	
Bill No. 2002-69 – Annexation No. A-0083-01(A) – Property location: Or Craig Road, approximately 330 feet east of Puli Road; Petitioned by: City Acreage: 5.52 acres; Zoned: R-U (County zoning), U (PCD) (City equival Councilman Larry Brown	of Las Vegas;
<u>Fiscal Impact</u>	
X No Impact Amount:	
Budget Funds Available Dept./Division:	
Augmentation Required Funding Source:	
PURPOSE/BACKGROUND: The proposed ordinance annexes certain real property generally located on Road, approximately 330 feet east of Puli Road. The annexation is at the r with the concurrence of the Bureau of Land Management as owner. The arnow been completed in accordance with the NRS and the final date of annexis set by this ordinance.	equest of the City, nnexation process has
RECOMMENDATION: This bill should be submitted to a Recommending Committee for review, he recommendation to the City Council for final action.	nearing and
BACKUP DOCUMENTATION: Bill No. 2002-69 and Location Map	
COMMITTEE RECOMMENDATION: COUNCILMAN MACK recommended Bill 2002-69 be forwarded to the "Do Pass" recommendation as recommended. COUNCILMAN WEEKLY.	
MINUTES:	
COUNCILMAN WEEKLY declared the Public Hearing open.	
CHIEF DEPUTY CITY ATTORNEY STEED said this Bill is in order.	
No one appeared in opposition.	
There was no further discussion.	
COUNCILMAN WEEKLY declared the Public Hearing closed.	

DEPARTMENT: CITY ATTORNEY		
DIRECTOR: BRADFORD R. JERBIO	CONSENT X DISCUSSION	
	3-01(A) – Property location: On the northwest corner	
	d by: City of Las Vegas; Acreage: 3.06 acres; Zoned:). Sponsored by: Councilman Michael Mack	
Fiscal Impact		
X No Impact A	mount:	
Budget Funds Available D	ept./Division:	
Augmentation Required F	unding Source:	
of Ann Road and Calverts Street. The anne	al property generally located on the northwest corner exation is at the request of the City, as owner. The d in accordance with the NRS and the final date of linance.	
RECOMMENDATION: This bill should be submitted to a Recomm recommendation to the City Council for fin		
BACKUP DOCUMENTATION: Bill No. 2002-70 and Location Map		
COMMITTEE RECOMMENDATION: COUNCILMAN MACK recommended Bill 2002-70 be forwarded to the Full Council with a "Do Pass" recommendation as recommended. COUNCILMAN WEEKLY concurred.		
MINUTES: COUNCILMAN WEEKLY declared the Pub	lic Hearing open.	
CHIEF DEPUTY CITY ATTORNEY STEE	D said this Bill is in order.	
No one appeared in opposition.		
There was no further discussion.		
COUNCILMAN WEEKLY declared the Pub	lic Hearing closed.	

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC CONSENT X DISCUSSION
SUBJECT: NEW BILLS:
Bill No. 2002-71 – Annexation No. A-0089-01(A) – Property location: On the northwest corner of Via Olivero Avenue and Duneville Street; Petitioned by: Tony Aziz; Acreage: 0.65 acres; Zoned: R-E (County zoning), U (DR) (City equivalent). Sponsored by: Councilman Michael McDonald
Fiscal Impact
X No Impact Amount:
Budget Funds Available Dept./Division:
Augmentation Required Funding Source:
PURPOSE/BACKGROUND: The proposed ordinance annexes certain real property generally located on the northwest corner of Via Olivero Avenue and Duneville Street. The annexation is at the request of the property owner in consideration of connection to City sewer facilities. The annexation process has now been completed in accordance with the NRS and the final date of annexation (July 26, 2002) is set by this ordinance.
RECOMMENDATION: This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.
BACKUP DOCUMENTATION: Bill No. 2002-71 and Location Map
COMMITTEE RECOMMENDATION: COUNCILMAN MACK recommended Bill 2002-71 be forwarded to the Full Council with a "Do Pass" recommendation as recommended. COUNCILMAN WEEKLY concurred.
MINUTES: COLINCII MAN WEEK I V declared the Dublic Hearing area.
COUNCILMAN WEEKLY declared the Public Hearing open.
CHIEF DEPUTY CITY ATTORNEY STEED said this Bill is in order.
No one appeared in opposition.
There was no further discussion.
COUNCILMAN WEEKLY declared the Public Hearing closed.

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC CONSENT X DISCUSSION
SUBJECT: NEW BILLS:
Bill No. 2002-72 – Annexation No. A-0005-02(A) – Property location: On the southeast corner of Cheyenne Avenue and Garehime Street; Petitioned by: David and Colleen Ketzenberger; Acreage: 0.92 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack
Fiscal Impact
X No Impact Amount:
Budget Funds Available Dept./Division:
Augmentation Required Funding Source:
PURPOSE/BACKGROUND: The proposed ordinance annexes certain real property generally located on the southeast corner of Cheyenne Avenue and Garehime Street. The annexation is at the request of the property owners in consideration of connection to City sewer facilities, although the owners may now wish to object. The annexation process has now been completed in accordance with the NRS and the final date of annexation (July 26, 2002) is set by this ordinance.
RECOMMENDATION: This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.
BACKUP DOCUMENTATION: Bill No. 2002-72 and Location Map
COMMITTEE RECOMMENDATION: COUNCILMAN MACK recommended Bill 2002-72 be forwarded to the Full Council with a "Do Pass" recommendation as recommended. COUNCILMAN WEEKLY concurred.
MINUTES: COUNCILMAN WEEKLY declared the Public Hearing open.
CHIEF DEPUTY CITY ATTORNEY STEED said this Bill is in order.
No one appeared in opposition.
There was no further discussion.
COUNCILMAN WEEKLY declared the Public Hearing closed.



DEPAR DIREC	RTMENT: CITY ATTORNEY TOR: BRADFORD R. JERI	BIC CONSENT X DISCUSSION
SUBJE	=CT·	
NEW B		
Bill No	. 2002-74 – Repeals and replaces	the City's sign regulations as contained in Title 19.
Propose	ed by: Robert S. Genzer, Directo	r of Planning and Development
<u>Fiscal</u>	<u>Impact</u>	
X	No Impact	Amount:
	Budget Funds Available	Dept./Division:
	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

Based upon the work of a consultant and input from the sign industry and other interested parties, the City has undertaken a comprehensive revision of its sign regulations. The revision does not include any significant changes to the provisions that govern off-premise signs. This bill will adopt the revision.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-74

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-74 be forwarded to the Full Council with a "Do Pass" recommendation as a Proposed First Amendment. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, deferred to JOHN KOSWAN, Current Planning Manager, Planning and Development, to make this presentation. MR. GENZER indicated that POLLY CAROLYN with Duncan and Associates Consultants was also present to answer any potential questions.

RECOMMENDING COMMITTEE MEETING OF JULY 1, 2002 City Attorney Item 6 – Bill No. 2002-74

MINUTES – Continued:

MR. KOSWAN requested that Items 6 and 7 be heard together, as they are related. He then advised that Bill No. 2002-74 repeals and replaces the City's sign code (Title 19.14) and Bill No. 2002-75 establishes a procedure for bringing nonconforming signs into compliance through amortization.

Bill No. 2002-74 amends the sign standards (Title 19.14) as follows: 1) reformats and reorganizes the existing sign code to make it easier to use and to administer; 2) establishes design standards for freestanding signs; 3) provides for the use of master sign plans to establish sign provisions for developments in the gaming and downtown overlay districts and the planned community and planned development districts; 4) provides for the use of master sign plans to establish sign provisions for specific developments or sites; 5) establishes sign criteria standards and considerations for signs included in a master sign plan; 6) provides for sign illumination that is within the context of the signs' surroundings and proximity to residential development; 7) provides for standards for legibility and visibility of signs; 8) adds regulations that are missing from the existing code; 9) adds explanatory graphics to improve readability of the code; 10) consolidates, clarifies, and adds definitions of terms used within the sign code; 11) provides a process for the preservation of historically significant signs; 12) identifies types of signs that are illegal, abandoned, nonconforming, temporary, institutional, incidental, and exempt from permit; 13) provides for the removal of abandoned signs; and 14) provides for the amortization of certain nonconforming signs.

KEITH LYNAM, Greater Las Vegas Association of Realtors, 1750 E. Sahara Avenue, commended staff for its hard work on codifying open house signs. Many people do not realize that open house signs are illegal in the State of Nevada, yet they are a big part of selling a house and property values in the Valley. He requested a change to Section (G) (4) (c) of Page 10 to not require written authorization to place an "Open House" sign on private property, because a property owner will just remove the sign if he/she does not want it on the property, and signs cost money. He supported the rest of the Bill.

COUNCILMAN MACK confirmed with MR. LYNAM that he is in concurrence with the language contained in Section (G) (5) (e).

ATTORNEY JENNIFER LAZOVITCH, 3800 Howard Hughes Parkway, appeared on behalf of the Focus Commercial Group, Paradise Development, and Laurich Properties. She too commended staff, specifically MR. KOSWAN, for literally rewriting the existing code. She indicated that she has been involved in lengthy meetings for several months on this matter and the industry supports Bill 2002-74 because it is comprehensive and it addresses the City's objectives and gives developers the flexibility to be creative in the design of their signs.

RECOMMENDING COMMITTEE MEETING OF JULY 1, 2002 City Attorney Item 6 – Bill No. 2002-74

MINUTES – Continued:

However, the industry is in opposition to Bill 2002-75, because it feels that it is necessary since Bill 2002-74 includes provisions for enforcing illegal and abandoned signs. Also, as centers mature, they often have signs that self-amortize as the centers are remodeled and renovated. She strongly urged the Committee members not recommend approval of Bill 2002-75.

DAVID JONES appeared representing Young Electric Sign Company, who has been building signs in Las Vegas since the 1920s and has had a significant role in the development of the image of Las Vegas. The company has also been very active in the sign code workshops and, after many meetings, was able to reduce their list of approximately 105 issues to about three by the time the ordinance reached the Planning Commission. The Planning Commission thoroughly considered the issues and made a recommendation to approve Bill No. 2002-75 and to deny Bill No. 2002-74, which Young Electric Sign Company totally supports.

One issue that Young Electric Sign Company has a concern with is the removal of signs that were legally built. The company believes that is unnecessary because signs are ultimately brought into conformance through attrition. The code has other triggers that will bring these signs into conformance. And ultimately, there is no fair way to amortize signs. MR. JONES pointed out that lenders for small businesses are concerned about what could occur if assets that money has been borrowed for has to be taken away with no compensation, which could hurt small businesses.

MR. JONES then pointed out that Bill No. 2002-74 contains a good package of improvements that it brings to the community. However, there is still a need for diligent enforcement. And although the code includes provisions for enforcement, there has been a question as to how diligent the community has been in following through with enforcement. The sign industry has offered to help by volunteering time to identify abandoned and illegal signs, and then to assist in the removal of those signs.

Lastly, MR. JONES expressed his appreciation to the workshop participants, staff, and the consultants for all their time, as well as to the Planning Commission members for their very thorough consideration of both Bills. He reiterated his support for Bill No. 2002-74 and opposition to Bill No. 2002-75.

MR. KOSWAN recommended approval of Bill No. 2002-74 and that Bill No. 2002-75 be forwarded to the City Council without a recommendation.

Agenda Item No. 6

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 1, 2002 City Attorney Item 6 – Bill No. 2002-74

MINUTES – Continued:

COUNCILMAN MACK thanked the consultant and staff for their efforts on the sign regulations, which will greatly benefit the community, especially Ward 6 with all the new growth. He noted that the biggest issue is regulating the nonconforming and illegal signs, for which there is not enough City staff to address. He thanked the sign companies for their cooperation in this effort.

NOTE: COUNCILMAN MACK suggested and recommended that Planning staff look into increasing sign fees in order to possibly hire an additional full-time staff member to regulate the illegal and nonconforming signs.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:06-4:20)

1-183



DEPARTMENT: CITY ATTORNEY DIRECTOR: BRADFORD R. JE	
SUBJECT: NEW BILLS:	
<u>.</u>	dure for bringing nonconforming on-premise signs into Genzer, Director of Planning and Development
Fiscal Impact	
X No Impact	Amount:
Budget Funds Available	Dept./Division:
Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

This bill will add to the City's sign regulations a number of provisions to address the process of bringing nonconforming on-premise signs into conformance, through amortization or otherwise. The bill includes an appeal process to ensure an opportunity for sign owners and others to be heard regarding any particular sign.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-75

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-75 be forwarded to the Full Council with no recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, and JOHN KOSWAN, Current Planning Manager, Department of Planning and Development, and POLLY CAROLYN, Duncan and Associates Consultants, were present on behalf of the City.

ATTORNEY JENNIFER LAZOVITCH, 3800 Howard Hughes Parkway, and DAVID JONES, Young Electric Sign Company, appeared in opposition.

Agenda Item No. 7

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 1, 2002 City Attorney Item 7 – Bill No. 2002-75

MINUTES – Continued:

COUNCILMAN MACK stated that he too has a problem with this Bill, because it would be very difficult to determine which signs have to come down. There are many nonconforming signs in Ward 6 that are big and very expensive. He supported sending the Bill to the Council with no recommendation.

See Item No. 6 (Bill No. 2002-74) for all related discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:06-4:20)

1-183

AGENDA SUMMARY PAGE RECOMMENDING COMMITTEE MEETING OF: JULY 1, 2002

DEPAR DIRECT	TMENT: CITY ATTORNEY OR: BRADFORD R. JERE	BIC CONSENT X DISCUSSION
SUBJE NEW BI		
	2002-76 – Amends various anim Sheldon, Director of Detention a	nal control regulations and procedures. Proposed by: and Enforcement
Fiscal I	<u>mpact</u>	
X	No Impact	Amount:
	Budget Funds Available	Dept./Division:
	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

This bill makes a number of minor adjustments to the City's animal control regulations and procedures, including updates regarding the treatment of wild and dangerous animals and the mistreatment of animals.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-76

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-76 be forwarded to the Full Council with a "DO PASS" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MIKE MURPHY, Deputy Chief, Detention and Enforcement Department, appeared on behalf of MIKE SHELDON, Director, Detention and Enforcement Department. MR. MURPHY indicated that this Bill includes some required housekeeping matters, which he enumerated: 1) additional licensing fees of \$5 for individuals who fail to license their animals within the appropriate time; 2) aggressive animals must be spayed or neutered, which has been proven to decrease an animal's aggressiveness, must have a microchip for the purpose of identification, and the owner must obtain a \$50,000 liability policy on the animal; 3) exotic animals must have a microchip and the owner must obtain a \$100,000 liability policy on the animal; 4) includes provisions for individuals who abandon animals; and 5) includes penalty guidelines in order to come into compliance with Nevada Revised Statutes.

RECOMMENDING COMMITTEE MEETING OF JULY 1, 2002 City Attorney Item 8 – Bill No. 2002-76

MINUTES – Continued:

MR. MURPHY clarified that dangerous animals should not be confused with a vicious animal. He defined that a dangerous animal is one that is involved in two aggressive bites of non-substantial injury in nature and is deemed to be dangerous. An animal that mulls a person would be considered an immediate vicious animal.

COUNCILMAN WEEKLY asked what would happen if, for example, a nearby neighbor is breeding Pit Bulls. MR. MURPHY answered that there are requirements for breeding animals that is covered under another part of the ordinance. The Animal Control officers would respond accordingly based on the complaint.

COUNCILMAN WEEKLY stated that he received a call from a neighbor that was terrified because another neighbor's Pit Bull mother was loose and dangerous and no one from Animal Control would respond. MR. MURPHY replied that that would be considered an emergency. Unfortunately, Detention and Enforcement is very thin on Animal Control officers and some services have been curtailed.

OSCAR RUIZ, falconer, expressed concern about the requirement for wild animals to have a microchip, especially since the Nevada Division of Wildlife regulates falconry. He requested language specifically excluding animals regulated by the Wildlife Division because it could ultimately hurt the birds and some legal issues could come up in the future. ROGER VAN OORDT, Animal Control Sergeant, indicated that falconers are exempt from the wild animal ordinance because they are regulated by the Nevada Division of Wildlife. MR. MURPHY stated that staff could look into some language to exclude exotic animals already regulated by the State.

AL GALLEGO, 610 N. 4th Street, stated that he has called Animal Control many times to complain about a dog that constantly runs loose in the neighborhood. There is also a house adjacent to him that keeps a big vicious dog and he is afraid it might get loose and hurt someone. He is almost sure the dog is not licensed. MR. GALLEGO opined that the requirement to have cats licensed should be enforced because it would generate a lot of revenue for the City. MR. MURPHY assured COUNCILMAN WEEKLY that Animal Control can address the issue of the loose dog and MR. GALLEGO's neighbor's dog, particularly with the new ordinance.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:20-4:30)

RECOMMENDING COMMITTEE AGENDA RECOMMENDING COMMITTEE MEETING OF: JULY 1, 2002

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

An unidentified gentleman appeared inquiring about Item 5 (Bill No. 2002-72), which was approved. COUNCILMAN MACK suggested that the gentleman call his office to discuss his issues.

(4:30 – 4:32) **1-993**

THE MEETING ADJOURNED AT 4:32 P.M.

July 10, 2002

Respectfully submitted:		
-	GABRIELA S. PORTILLO-BRENNER. DEPUTY CITY CLERK	